United Nations A/AC.109/2016/6*

General Assembly

Distr.: General
21 March 2016

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)**

Working paper prepared by the Secretariat

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* Reissued for technical reasons on 21 April 2016.

** A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas) (see ST/CS/SER.A/42).

Note: The information contained in the present working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations on 11 January 2016, in addition to information provided by the Government of Argentina and that available in public sources. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

16-04572* (E) 210416

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I. General

1. The Falkland Islands (Malvinas) is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, which has been on the United Nations list of Non-Self-Governing Territories since 1946 following the transmission by the United Kingdom of the information under Article 73 *e* of the Charter of the United Nations in accordance with General Assembly resolution 66 (I). At the 25th meeting of the Fourth Committee, held on 6 December 1946, at the first session of the General Assembly, the delegation of Argentina expressed a reservation to the effect that the Government of Argentina did not recognize British sovereignty in the Falkland Islands (Malvinas). The delegation of the United Kingdom expressed a parallel reservation that it did not recognize Argentine sovereignty in those islands.

2. The Falkland Islands (Malvinas) comprises two large islands, known as East and West Falkland, and hundreds of smaller islands, with a total area of about 12,173 km^2. The Islands are situated in the South Atlantic, about 770 km north-east of Cape Horn and about 480 km east of the South American mainland. South Georgia, located about 1,300 km south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 km east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate Territory; the Governor of the Falkland Islands currently acts concurrently as the Commissioner for South Georgia and the South Sandwich Islands. According to the administering Power, the population of the Falkland Islands (Malvinas) is more than 2,500 (not including residents temporarily absent and civilians working in conjunction with a Ministry of Defence garrison of approximately 1,200 troops from the United Kingdom), the largest population recorded since 1931. A dispute exists between the Government of Argentina and that of the United Kingdom concerning sovereignty over the Falkland Islands (Malvinas), as established by the General Assembly in its resolution 2065 (XX) and subsequent relevant resolutions on the question of the Falkland Islands (Malvinas).

II. Constitutional and political issues

3. The Constitution approved in 2008, which came into force on 1 January 2009 (Statutory Instrument 2008, No. 2846), has been protested by Argentina (see A/63/542, annex I). Under the Constitution, members of the legislature elect a Speaker to preside over sessions of the Legislative Assembly. A Chief Executive is appointed by the Governor in agreement with the Executive Council as head of the public service to implement policy. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Assembly who are elected annually from their own numbers, in addition to two ex officio members, the Chief Executive and the Financial Secretary, who have no voting rights. The Attorney General and the Commander of British Forces on the Islands have the right to attend meetings of the Executive Council but do not vote. The Governor, who is appointed by the United Kingdom, has ultimate responsibility for matters including external affairs, defence, internal security (including the police) and the administration of justice. By the terms of the Constitution, the Governor, with the advice and consent of the Legislative Assembly, may make laws for the peace, order and good governance of the Territory, while full power to make such

laws is reserved for the British Crown. In addition, the British Parliament has unlimited power to make laws for all overseas territories.

4. As previously reported, of the eight members of the Legislative Assembly who were elected on 7 November 2013 for a four-year term, five represent the Territory's urban constituency (Stanley), where the majority of the population live, and three represent the Camp (i.e., outside the Territory's only town). There are no political parties, and therefore, all members are elected as independents. Governor Colin Roberts assumed office on 29 April 2014. The next general election for members of the Legislative Assembly is expected to be held in November 2017.

5. During 2015 and early in 2016, Argentina and the United Kingdom continued to reiterate their respective positions regarding various constitutional, military and economic aspects of the sovereignty dispute over the Territory (see paras. 40, 43 and 45).

III. Budget

6. The Territory's financial year extends from 1 July to 30 June. According to the administering Power, the 2015/16 operating budget amounted to approximately £68 million. The Territory makes every effort to maintain a balanced budget strategy.

IV. Economic conditions

A. General

7. The real gross domestic product (GDP) of the Islands was estimated by the administering Power at £162.2 million in 2013. The per capita GDP in the same year was approximately £63,300. The fishing industry remains the most important sector of the economy (accounting for about 35 to 50 per cent of GDP), with other sectors, such as tourism and livestock production and processing, growing in recent years. According to the administering Power, the oil industry has contributed to 15 per cent of GDP in 2013. The Falkland Islands (Malvinas) has a very low rate of unemployment, which was recorded as less than 1 per cent in 2014.

B. Fisheries and agriculture

8. The Loligo, or *doryteuthis*, and Illex species of squid are the mainstay of the fisheries and economy of the Falkland Islands (Malvinas). According to the administering Power, the Fisheries Department is responsible for administering the fishing sector in the Territory; as the largest contributor to GDP, it accounted for 37 per cent of the total GDP in 2013, and significant resources are invested to ensure that fish stock is harvested on a sustainable basis.

9. Argentina has denounced the unilateral exploitation of natural resources by the United Kingdom and reiterates its position that both parties should refrain from introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly, in accordance with

General Assembly resolution 31/49 (for consideration by intergovernmental organizations and forums on the topic, see para. 35).

10. The United Kingdom maintains its position that the Islanders are entitled to explore for and exploit their natural resources for their own economic benefit, as an integral part of their right to self-determination.

11. With regard to agriculture, the acidic and infertile soils of the Islands, coupled with a windy and cool oceanic climate, naturally limit the cultivation of fields and focus the agriculture sector on rearing animals. The Department of Agriculture is responsible for administering the sector. A part of vegetables consumed in the Islands is produced locally but most other agricultural and food products are imported. The Territory has an ongoing five-year business plan in support of agriculture.

C. Tourism

12. Tourism is a significant contributor to the Territory's economy, at approximately £9 million per year. According to the administering Power, the Falkland Islands Tourist Board continues to expand the tourism sector of the Islands. The 2014 cruise season closed with a total of 43,437 passenger arrivals, an increase of 9.4 per cent since 2013, while land-based tourism declined slightly (by 3.5 per cent), generating 4,555 overnight visitors. During 2015, a new Tourism Development Strategy to boost both cruise and land tourism was developed.

D. Transport, communications and utilities

13. The Territory has approximately 1,000 km of roads. In addition, a coastal shipping service, a regular ferry service and local air services continued to ensure links between settlements on the eastern, western and outlying islands.

14. In 2015, regular weekly service between Punta Arenas, Chile, and the Falkland Islands (Malvinas) continued to be available, including two monthly stopovers in Río Gallegos, mainland Argentina, in accordance with the provisions of the Joint Statement of 14 July 1999 between Argentina and the United Kingdom. Under the Exchange of Notes Flights and Navigation Agreement of February 2001, private flights are authorized, as are a number of medical evacuation flights from the Falkland Islands (Malvinas) to mainland Argentina, Chile and Uruguay.

15. In February 2010, in response to hydrocarbon-related activities carried out in waters around the Falkland Islands (Malvinas), Argentina issued Presidential Decree 256/2010 requiring authorization measures for vessels calling at Argentine ports or crossing Argentine waters. In this connection, members of the Southern Common Market (MERCOSUR) and the Union of South American Nations (UNASUR) had previously decided to close their ports to "vessels flying the illegal flag of the Malvinas Islands". In 2015, implementation of those decisions continued.

16. For its part, during 2015, the United Kingdom continued to consider the aforementioned Presidential Decree 256/2010 non-compliant with international law, including the United Nations Convention on the Law of the Sea, and to contend that, under international law, the Islanders had the right to develop their economy, including natural resources, for the Territory's benefit. The United Kingdom

continued to emphasize the principle and the right of the Falkland Islanders to self-determination as enshrined in the Charter and in article 1 of the two United Nations Covenants on human rights, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development.

17. Concerning telecommunications, according to the administering Power, approximately 75 per cent of households are connected via broadband to the Internet. With respect to utilities, a major wind farm meets approximately 26 per cent of the urban electricity needs. Wind turbines are used in homesteads and small settlements.

E. Environment and hydrocarbons

18. According to the administering Power, the Territory works to uphold a number of environmental treaties and conventions. For its part, Argentina has rejected the territorial application of those treaties and conventions by the United Kingdom on the grounds that the Territory and its surrounding maritime areas are an integral part of Argentina.

19. During 2015, offshore exploration for hydrocarbons continued amid protests from Argentina, other Member States and regional and intergovernmental organizations. In addition, Member States and associate States of MERCOSUR continued to exchange available information concerning any vessels or marine structures travelling to "the Malvinas Islands, South Georgia Islands and South Sandwich Islands with cargo to be used for illegal hydrocarbon and/or mining activities on the Argentine continental shelf" (see also para. 35).

20. According to official sources, during 2015, the Energy Secretariat of Argentina continued to carry out administrative proceedings against companies developing unauthorized hydrocarbon exploration activities in the area. Argentina sent advisory letters to companies directly or indirectly involved in those activities. (For consideration by intergovernmental organizations and forums on the topic, see also para. 35)

21. In 2015, the administering Power continued to express its position to Argentina that under international law, the continental shelf did not form part of Argentina; supported the right of the Islanders to develop their natural resources for their own economic benefit as an integral part of their right of self-determination; and rejected the applicability of Argentine domestic legislation to those companies engaged in the Islands' hydrocarbon activities.

V. Social conditions

A. General

22. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, have been extended to the Falkland Islands (Malvinas) by the

administering Power. The right of individual petition to the European Court of Human Rights also has been extended to the Territory.

23. For its part, Argentina has consistently rejected the territorial application by the United Kingdom of the various international instruments mentioned above, in addition to the designation of the Territory as an overseas territory of the United Kingdom or any other similar designation.

B. Public health

24. According to information transmitted by the administering Power, medical and dental treatment is free to all residents under a health agreement. There is one hospital in the Territory, which offers modern facilities with medical, dental and nursing staff, but no resident qualified optician. More complex treatments require medical evacuation.

C. Social security and welfare

25. According to the administering Power, the Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all employers and employees between the ages of 17 and 64. A system of social welfare grants and pensions is in place to address cases of hardship and disability.

D. Education

26. Education in the Territory is free and compulsory for all children between the ages of 5 and 16, with access to preschool (nursery) education from the age of 4. According to the administering Power, post-secondary education, including university education, which is not available within the Islands, is funded by the Government of the Falkland Islands (Malvinas); in 2015, approximately 453 schoolchildren were registered (22 of whom were based in rural areas). There is a 100 per cent enrolment rate for all children of school age in the Islands, and the current teacher/student ratios for primary school and secondary school are 1:10 and 1:14, respectively.

27. According to information provided by Argentina, inhabitants of the Falkland Islands (Malvinas) enjoy equality of access to the Argentine public education system. Additional information on the subject is contained in the 2015 report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (A/71/70, section II.B).

VI. Mine clearance and related matters

28. Under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention), States parties are obliged to clear anti-personnel mines in mined areas within 10 years of the Convention's entry into force, unless an extension is granted under the Convention.

29. In November 2008, the 9th Meeting of States Parties to the Ottawa Convention granted the United Kingdom an extension until 1 March 2019. According to the administering Power, three phases of demining have been implemented from 2009 to 2013. The current phase, which commenced in January 2015, is due to conclude at the end of March 2016, after which a total of 35 mined areas will have been cleared. A review of options for additional demining projects is under way.

30. Argentina recalls its interpretative declaration at its ratification of the Ottawa Convention in 1999 in which Argentina stated that as the Islands, part of its territory, were under illegal occupation by the United Kingdom, Argentina was effectively prevented from having access to the anti-personnel mines placed on the Islands in order to fulfil the obligations undertaken in the Convention. As previously reported, in December 2009, the second Review Conference of the Ottawa Convention granted the request of Argentina for an extension until 1 January 2020. At the 14th Meeting of States Parties to the Ottawa Convention, held in Geneva, from 30 November to 4 December 2015, Argentina stated that its access to the anti-personnel mines on the Islands was still impeded and reaffirmed that a mine-clearing planning would be developed in detail and implemented as soon as it exercised control over the areas in question, subject to a sovereignty dispute, or when both Argentina and the United Kingdom reached agreement over making progress on such planning.

VII. Participation in international organizations and arrangements

31. According to information provided by the administering Power, the Government of the Falkland Islands (Malvinas) attends various Commonwealth forums and is a member of the United Kingdom Overseas Territories Association and the South Atlantic Territories Cooperation Forum. Further, its representatives also participate, as members of the delegation of the United Kingdom, in other international meetings concerning matters affecting the Islanders' interests, to reflect their own views. It is the position of the Government of the United Kingdom that the Islanders should be able to attend all meetings affecting their interests in their own right.

32. Argentina is not a member of the aforementioned organizations. In accordance with the relevant resolutions of the United Nations which recognize the existence of a sovereignty dispute between Argentina and the United Kingdom, Argentina reaffirms the bilateral nature of the question of the Malvinas Islands and consequently rejects any attempt to enable participation of the Islanders on their own.

VIII. Consideration by intergovernmental organizations and forums

33. The question of the Falkland Islands (Malvinas) was addressed during a number of meetings held in 2015 and January 2016 by regional and multilateral forums, such as the Central American Integration System (SICA) (Guatemala, 27 March 2015), the Organization of American States (OAS) (Washington, D.C.,

16 June 2015), MERCOSUR (Brasília, 16 July 2015, and Asunción, 21 December 2015), the Group of 77 and China (New York, 24 September 2015), the Latin American Energy Organization (OLADE) (Tarija, 31 October 2015), the Summit of Arab and South American Countries (Riyadh, 10-11 November 2015) and the Community of Latin American and Caribbean States (CELAC) (Quito, 27 January 2016) (see A/70/410, A/70/628 and A/70/669).

34. In the decisions taken following the above-mentioned meetings by SICA, OAS, the Group of 77 and China, OLADE, the Summit of Arab and South American Countries and CELAC, the need for Argentina and the United Kingdom to resume negotiations to find a peaceful solution to the sovereignty dispute was reaffirmed. Similarly, MERCOSUR recalled the need to resolve the dispute as soon as possible.

35. Furthermore, the above-mentioned meetings of the Group of 77 and China, OLADE and the Summit of Arab and South American Countries in decisions taken at their respective meetings, stated that the exploration of natural resources, especially hydrocarbon resources in the waters around the Falkland Islands (Malvinas) were detrimental to the sovereignty right of Argentina over its continental shelf or contrary to General Assembly resolution 31/49 of 1 December 1976, and recognized the right of Argentina to take legal actions with full respect for international law and relevant resolutions against unauthorized hydrocarbon exploration and against exploitation activities in the area. MERCOSUR in its decisions ratified those statements.

36. In addition, SICA, MERCOSUR), the Group of 77 and China, the Summit of Arab and South American Countries, in respective decisions recalled the fiftieth anniversary of the adoption of General Assembly resolution 2065 (XX), the first to refer specifically to the question of the Malvinas Islands.

37. In response to the requests made by CELAC on 29 January 2015 (see para. 36 of the 2015 working paper on the Falkland Islands (Malvinas) (A/AC.109/2015/19)) and MERCOSUR on 16 July 2015 in their respective decisions, the respective Presidents Pro Tempore requested the Secretary-General of the United Nations to renew his efforts to carry out his mission of good offices entrusted to him by the General Assembly to bring about the resumption of negotiations in order to find a peaceful solution to the dispute as soon as possible (see A/70/625).

38. The United Kingdom is not a member of the aforementioned organizations and has not been represented at any of the aforementioned meetings, with the exception of that of the OAS, where it has observer status. The United Kingdom maintains its position that it rejects any suggestion that hydrocarbon exploration amounted to unilateral action on its part and was being carried out in contravention to General Assembly resolution 31/49, supports the Islanders in developing their own economy and future, including their decision to exploit their natural resources, and further rejects any suggestion that military assets in the South Atlantic were subject to reinforcement or that it was allegedly militarizing the region. Furthermore, in the view of the Government of the United Kingdom, none of the aforementioned regional statements or decisions fully reflects the legally binding principle of self-determination enshrined in the Charter of the United Nations or the modern relationship between the United Kingdom and its overseas territories. The United Kingdom maintains that regional statements by members of the OAS and others, as well as resolutions of the General Assembly, do not modify or dilute the obligation of nations to respect the Falkland Islanders' right to self-determination, enshrined in the Charter.

IX. Future status of the Territory

A. Position of the administering Power

39. In a message to the Islanders, broadcast on 18 December 2015, the Prime Minister of the United Kingdom, David Cameron, highlighted the strength of the Falklands' economy and reaffirmed the support of his Government for the Islanders' right to self-determination.

40. In addition, as most recently expressed in a letter dated 29 January 2015 from the representative of the United Kingdom addressed to the Secretary-General (A/69/756), in response to a letter dated 3 January 2015 from the representative of Argentina addressed to the Secretary-General (A/69/716), the Government of the United Kingdom attaches great importance to the principle of self-determination as set out in Article 1, paragraph 2, of the Charter, and article 1 of the International Covenant on Civil and Political Rights. The Government of the United Kingdom emphasises that regional statements from the OAS and others, including the United Nations General Assembly resolutions, do not modify or dilute the obligation of nations to respect the Falkland Islanders' right of self-determination, enshrined in the Charter. The United Kingdom rejects claims by Argentina that the United Kingdom is militarizing the South Atlantic and remains committed to defending the rights the Falkland Islanders to determine their own political, social and economic future. The United Kingdom fully supports the legitimate decision of the Falkland Islanders to establish and manage a sustainable fisheries industry and to explore for hydrocarbon resources in waters around the Falkland Islands (Malvinas) in full accordance with international law. Furthermore, the United Kingdom is clear about the historical position on the sovereignty of the Falkland Islands (Malvinas). No civilian population was expelled from the Falkland Islands (Malvinas) on 3 January 1833 and British sovereignty over the Falkland Islands (Malvinas) dated back to 1765, some years before the Argentine Republic even existed.

41. The Government of the United Kingdom further stresses that the first Joint Ministerial Council, held in December 2012, issued a detailed communiqué in which the United Kingdom and its Territories explained the nature of their relationship and expressed their view that the General Assembly should remove Territories that wish to maintain their links with the United Kingdom from the list of Non-Self-Governing Territories. Furthermore, at the fourth meeting of the Council, held on 1 and 2 December 2015, the United Kingdom and overseas territory leaders agreed upon a communiqué setting out, among other things, the joint position of the United Kingdom and the overseas territories on self-determination. In the communiqué, political leaders and representatives stated that leaders of the overseas territories were democratically elected by the people of the Territories and were accountable to them and that the principle of equal rights and self-determination of peoples, as enshrined in the Charter, applied to the peoples of the overseas territories. They reaffirmed the importance of promoting the right of the peoples of the territories to self-determination, a collective responsibility of all parts of the Government of the United Kingdom. They committed to explore ways in which the overseas territories could maintain international support in countering hostile sovereignty claims and agreed that the fundamental structure of their constitutional relationships had been the right one — powers had been devolved to the elected Governments of the territories to the maximum extent possible consistent with the

United Kingdom retaining those powers necessary to discharge its sovereign responsibilities while agreeing on the need to review the effectiveness of constitutional arrangements over time.

42. Furthermore, the Government of the United Kingdom supports the statements made by two members of the Falkland Islands Legislative Assembly of during the hearing of petitioners at the 6th meeting of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, on 25 June 2015, in which speakers stressed that: the Islands were not a colony and the population of the Islands was content with its status as a self-governing British overseas territory, unanimously endorsed by the referendum in 2013; their current Constitution was in line with the Charter, establishing the fundamental rights and freedoms of the individual, the right to self-determination and the right to exploit their natural resources; the eradication of colonialism was an ambition shared by all, while differences arose in the assessment of when a colonial situation existed and how it should be ended in such a way as to benefit the people involved; and the Falkland Islands had transformed itself from a former colony into a thriving economy with a full internal self-government, save for foreign affairs and defence; and called on the Special Committee to discharge its duty to all Non-Self-Governing Territories and heed their peoples for the way forward (see A/AC.109/2015/SR.6).

B. Position of the Government of Argentina

43. In a letter dated 3 January 2015 from the representative of Argentina addressed to the Secretary-General (A/69/716), Argentina, inter alia, reaffirmed its sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas and recalled that 2015 would mark the fiftieth anniversary of the adoption of General Assembly 2065 (XX), the first one to refer specifically to the question of the Malvinas Islands, recognizing the existence of a sovereignty dispute. The Government of Argentina also issued its press releases on 10 June 2015 and 16 December 2015 in connection with the question of the Malvinas Islands.

44. Furthermore, Argentina supports the statements made by Guillermo Clifton and Ricardo Patterson during the hearing of petitioners at the 6th meeting of the Special Committee, on 25 June 2015, in which they stated, inter alia, that: while the Government and people of Argentina had maintained their tradition of respecting the lifestyle, culture and values of all their territory's inhabitants, the United Kingdom had refused to resume dialogue on the issue of sovereignty with the appropriate authorities, thereby hindering the implementation of relevant United Nations resolutions; there was no subjugated people, but only a handful of British citizens; and the Special Committee should continue to call for dialogue between the relevant parties until the issue of sovereignty was definitively resolved (see A/AC.109/2015/SR.6).

45. In the press release dated 3 January 2016 of the Ministry of Foreign Affairs and Worship of Argentina transmitted by the letter dated 4 January 2016 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General (A/70/665), the Government of Argentina stated that, on 3 January 1833, the Malvinas Islands were occupied by British forces,

which evicted the Argentine population and authorities lawfully established there and replaced them with subjects of the occupying Power. The Argentine Republic immediately protested that illegitimate act of force, which continues today and to which it never consented. Since its beginnings as an independent nation, the Argentine Republic has, through government acts, publicly expressed its political resolve to exercise its effective sovereignty over the southern territories and maritime areas which it inherited from Spain.

46. In addition, the Argentine people and Government reaffirm, 183 years after the start of that illegal occupation, which is still continuing, the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The permanent and unrenounceable objective of recovering the full exercise of sovereignty over those territories and maritime areas, in accordance with the principles of international law, while respecting the way of life of the inhabitants of the Malvinas Islands is enshrined in the first transitional provision of the national Constitution. This objective is a State policy and reflects the collective desire of the entire Argentine people.

47. Fifty years after the adoption of General Assembly resolution 2065 (XX), the Argentine Republic renews its firm commitment to the peaceful settlement of disputes, international law and multilateralism. It invites the United Kingdom to resume negotiations in order to find, as soon as possible, a just and definitive solution to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, taking the path of dialogue, peace and diplomacy in line with the calls of the international community.

48. The new President of Argentina, Mauricio Macri, who took office on 10 December 2015, expressed the intention of the Government of Argentina to strengthen the relationship with the Government of the United Kingdom and to advance into a wider and more comprehensive bilateral agenda, which included the resumption of negotiations on the question of the Malvinas Islands.

X. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

49. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 6th and 7th meetings, on 25 June 2015.

50. At its 6th meeting, the Special Committee decided to accede to the requests of the delegations of Argentina, Brazil, Colombia, El Salvador, Ghana, Guatemala, Honduras, Kenya, Lebanon, Mexico, Morocco, Nigeria, Peru, the Republic of Korea, South Africa, Spain, Uganda and Uruguay to participate in the Committee's consideration of the item.

51. At the same meeting, during the hearing of petitioners and in line with usual practice, the Special Committee heard statements by Phyllis Rendell and Michael Summers of the Legislative Assembly of the Falkland Islands (Malvinas), as well as

by Guillermo Clifton and Ricardo Patterson, all of which are summarized in paragraphs 42 and 44 above (see also A/AC.109/2015/SR.6).

52. Furthermore, the representative of Chile, also on behalf of Bolivia (Plurinational State of), Cuba, Ecuador, Nicaragua and Venezuela (Bolivarian Republic of), introduced draft resolution A/AC.109/2015/L.7, which the Special Committee then adopted without a vote. In the resolution, the Special Committee reiterated that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) was the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of Argentina and the United Kingdom.

53. At the same meeting, statements were made by the representatives of Bolivia (Plurinational State of), China, Ecuador (also on behalf of CELAC), Nicaragua, Saint Vincent and the Grenadines, the Syrian Arab Republic and Venezuela (Bolivarian Republic of).

54. The Minister for Foreign Affairs and Worship of Argentina, Héctor Marcos Timerman, also made a statement. He stated that General Assembly resolution 2065 (XX) recognized that the question of the Malvinas Islands was a case of colonialism. He further stated that the British claim that the principle of self-determination applied to the population that it had implanted in the Malvinas Islands was diametrically opposed to the purpose which the international community had had in view when it had recognized the right to self-determination. He stated that the two amendments to that effect which had been proposed by the United Kingdom in 1985 to the relevant General Assembly resolution had accordingly been rejected. Furthermore, he stated that resolution 2065 (XX) also urged the two parties to the dispute, Argentina and the United Kingdom, to seek a peaceful solution as quickly as possible through bilateral negotiations, duly taking into account the provisions and objectives of the Charter and resolution 1514 (XV), as well as the interests of the population and underscored that the resolution had been followed by over 40 others adopted by the General Assembly. He concluded by saying that the United Kingdom and Argentina had already made efforts to implement resolution 2065 (XX) in the past and that negotiations had taken place for several years, with the two parties reporting back to the Secretary-General, while no results had come of those negotiations (see A/AC.109/2015/SR.6).

55. Also on the same date, at the 7th meeting of the Special Committee, the representatives of Cuba, Ecuador, Indonesia, Tunisia and Sierra Leone and the observers for Brazil (also on behalf of MERCOSUR), Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru and Uruguay (also on behalf of UNASUR), made statements, following which the Minister for Foreign Affairs of Argentina made a statement (see A/AC.109/2015/SR.7).

B. Special Political and Decolonization Committee (Fourth Committee)

56. On 8, 14 and 15 October 2015, during the debate on decolonization issues in the Fourth Committee of the seventieth session of the General Assembly, the delegations of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Costa Rica, Cuba, Ecuador (also speaking on behalf of CELAC), El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay (on behalf of MERCOSUR), Peru, United Kingdom, Uruguay (also speaking on behalf of UNASUR) and Venezuela (Bolivarian Republic of) addressed the question of the Falkland Islands (Malvinas) (see A/C.4/70/SR.2 and A/C.4/70/SR.6).

57. On 8 October 2015, the representative of Ecuador, speaking on behalf of CELAC, inter alia, reiterated its strong support for the legitimate rights of the Argentine Republic in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime area and underscored the constructive attitude and willingness of the Government of Argentina to reach a solution to the situation, citing the decision taken at its Summit in January 2015. The representative of Paraguay, speaking on behalf of MERCOSUR said, inter alia, that a peaceful and lasting solution to the regionally important question of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas lay in the resumption of bilateral negotiations between the two Governments involved and that it was regrettable that there had been a significant lack of progress in resolving the dispute in the 50 years since the adoption of resolution 2065 (XX). In addition, both speakers mentioned above called on the Secretary-General to renew his efforts to fulfil the mission of good offices entrusted to him by the General Assembly (see para. 34). Furthermore, the representative of Uruguay, speaking on behalf of UNASUR, said, inter alia, that the historical and legal aspects of the question of the Malvinas Islands ruled out any solution based on the principle of self-determination, as had been initially recognized in General Assembly resolution 2065 (XX) and reiterated the content of its declarations and special declaration adopted in 2010, 2012 and 2013 (for more details, see A/65/812, A/66/815, A/67/728 and A/68/856) (see also under section VIII "Consideration by intergovernmental organizations and forums").

58. On the same date, the Argentine Secretary of Affairs Related to the Malvinas Islands, South Georgia Islands, South Sandwich Islands and Surrounding Maritime Areas in the South Atlantic, Daniel Filmus, stated that resolution 1514 (XV) had made it clear that there was more than one form of colonialism and had established self-determination and respect for territorial integrity as the two principles of decolonization applicable in different situations. He also stated that Argentina could not accept the distortion of the principle of self-determination in support of the British usurpation of a part of Argentine territory. His delegation added that the population of the Islands was not a "people" subjected to colonialism but a group of inhabitants of British origin. While Argentina had no wish to forcibly integrate the civilian population of the Islands or to change their nationality and would respect their human rights and take their interests into account, it would not cede its legitimate historical rights over the territory on their behalf or in the colonial, economic or military interests of the United Kingdom. In conclusion, stating that it was time for frank and open dialogue to restore the mutual trust necessary for progress, he renewed Argentina's invitation to the United Kingdom to resume bilateral negotiations to find a lasting and peaceful solution to the sovereignty dispute.

59. On 15 October 2015, the representative of the United Kingdom stated that the relationship of his Government with its overseas territories was a modern one based on partnership, shared values and the right of each Territory's people to choose to remain British. He further stated that in the March 2013 Falkland Islands referendum, the overwhelming majority had expressed the wish to remain a British Territory, demonstrating his Government's commitment to its partnerships with the Territories and to those Territories' future development and continued security (see A/C.4/70/SR.7).

60. In addition, on 8 October 2015, in exercise of the right of reply, the representative of the United Kingdom stated that his country had no doubt regarding its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the maritime areas of both territories, or regarding the principle and right of the Falkland Islanders to self-determination in accordance with the Charter and the two International Covenants on human rights, in order freely to determine their political status and pursue their economic, social and cultural development. He further stated that while the Argentine delegation had referred to international support for negotiations, including United Nations resolutions, that did not modify the obligation of nations to respect the principle of self-determination and that therefore no dialogue on sovereignty was possible unless the Falkland Islanders so wished. The 2013 referendum, in which 99.8 per cent of the people had voted to remain an overseas territory of the United Kingdom, had sent a clear message that the people of the Islands did not want a dialogue on sovereignty. Argentina continued to deny that such fundamental human rights applied to those people, which contravened the principles of the Charter.

61. The representative also stated that the United Kingdom was not militarizing the area, as its forces in the South Atlantic were defensive and at appropriate levels to ensure the defence of the Falkland Islands against any potential threat. They had been significantly reduced over time, and the country would continue to keep force levels under review in the context of the regular assessments of military challenges that had been carried out since the Argentine invasion in 1982.

62. Furthermore, he stated that hydrocarbon exploration in the area was a legitimate commercial venture regulated by the legislation of the Falkland Islands Government, in strict accordance with the United Nations Convention on the Law of the Sea, and that Argentine domestic law did not apply to the Falkland Islands. The international companies working in those areas were subject to stringent international regulations and regular inspections. The operations had wider economic benefits for the region and should not be subject to unlawful outside sanctions. Argentina's targeting of assets and employees of those companies was politically motivated and an unacceptable attempt to exercise extraterritorial jurisdiction without legal justification, with dangerous implications for global business and free trade. Claims that hydrocarbon exploration in Falkland waters represented unilateral actions were false; the only unilateral actions of relevance were Argentine Government threats to imprison oil company workers engaged in legitimate commercial activity. Such unlawful and disproportionate interference with the principle and right of the Falkland Islanders to self-determination, as enshrined in the Charter and the two Covenants on human rights, was tantamount to an attempted economic blockade.

63. He concluded by saying that the United Kingdom was also clear that no Argentine population had been expelled from the Falkland Islands in 1833. An Argentine military garrison had been sent there earlier in an attempt to impose

Argentine sovereignty over British sovereign territory, but the United Kingdom had expelled that military garrison, and the civilian population that had previously sought British permission to remain had been encouraged to do so. The territorial borders of the Argentine Republic in 1833 did not include the southern half of its present form or any territory in the Falkland Islands, Antarctica or South Georgia and the South Sandwich Islands. Argentina's claims to the Islands, based on the principle of disruption of its territorial integrity, were without foundation, as those areas had never been administered by or formed part of the sovereign territory of the Argentine Republic (see A/C.4/70/SR.2).

64. On the same date, in exercise of the right of reply, the representative of Argentina reiterated that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were an integral part of Argentina's territory that were illegally occupied by the United Kingdom. He stated that the dispute regarding sovereignty over those areas had been recognized by the United Nations in numerous resolutions of the General Assembly urging the two parties speedily to resume negotiations on a peaceful and lasting solution and the Special Committee on decolonization had taken the same position on numerous occasions. He further stated that: Argentina regretted the United Kingdom's attempts to rewrite history to cover up its illegitimate actions in 1833; such distortions revealed the baselessness of the United Kingdom's sovereignty claims; and that country should act legally and responsibly by fulfilling its commitment to resume negotiations on a just and definitive solution to the dispute. He also stated that while the United Kingdom based its position solely on the principle of self-determination, that principle was inapplicable under the circumstances and that in 1985, the General Assembly had overwhelmingly rejected attempts by the United Kingdom to introduce that principle into the resolution adopted on the question.

65. Argentina rejected what only the United Kingdom referred to as the "referendum" on self-determination for the Malvinas Islands, as the current inhabitants were not a people subject to a colonial yoke. He stated that the voting in 2013 had simply been a British exercise, in which British citizens had been asked if they wished to remain British.

66. In the view of Argentina, the United Kingdom's claim that its military presence in the Malvinas was purely defensive was belied by the fact that independent observers ruled out any possibility of military threat from Argentina, as well as by the fact that Britain's military presence in the South Atlantic had only grown since 1983. Its military exercises were therefore seen as unilateral hostile actions in what had been declared a zone of peace and cooperation.

67. With regard to natural resources, the representative regretted that the United Kingdom continued to raise the expectations of the inhabitants of the Islands based on the illegal use of Argentine resources in violation of international law and in the face of the stated positions of international organizations, as well as the General Assembly in its resolution 31/49, among others. He reiterated that the legal measures taken by Argentina, within its jurisdictional framework and in exercise of its sovereign rights under international law, had been in response to the need to protect renewable and non-renewable resources from illegal exploitation by the United Kingdom (see A/C.4/70/SR.2).

68. Furthermore, speaking in exercise of the right of reply, the representatives of Argentina and of the United Kingdom reiterated their Governments' respective positions a number of times during the deliberations of the Fourth Committee (see A/C.4/70/SR.6 and A/C.4/70/SR.7).

C. Action taken by the General Assembly

69. By its resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the Assembly had been received.